**UNITED NATIONS** **E**

**Economic and Social Council**

PROPERTY OF

Distr.
GENERAL

E/CN.4/Sub.2/1996/SR.15
21 August 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-eighth session

# SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 August 1996, at 3 p.m.

Chairman: Mr. EIDE

later: Mr. CHERNICHENKO

later: Mr. EIDE

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The meeting was called to order at 3.15 p.m.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 12) (E/CN.4/Sub.2/1995/23, E/CN.4/1995/74) (continued)

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE (agenda item 13) (E/CN.4/Sub.2/1994/29) (continued)

IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS (agenda item 19) (continued)

1. Ms. AULA (Pax Christi International) reviewed some of the changes in the factors associated with wars that had taken place over the past decade or so and outlined a methodology for the prevention and elimination of wars in harmony with Pope John XXIII's Encyclical Pacem in terris.

2. Ms. SALERNO (Centre Europe-Tiers Monde), speaking on agenda item 13, drew attention to the devastating effects of anti-personnel land-mines. On 3 May 1996 the Review Conference on the 1980 United Nations Conventional Weapons Convention had adopted a revised Protocol II on the Prohibition or Restriction on the Use of Mines, Booby-Traps and Other Devices. By refusing to prohibit the manufacture, stockpiling, sale and use of those weapons, the revised Protocol II had betrayed those populations which lived or would live in areas sown with anti-personnel mines. The ambiguities in the text left a broad margin of interpretation and legalized some forms of "smart" mines in the knowledge that their position could not be marked. No new limitations were imposed on the use of anti-tank and anti-vehicle mines, with their indiscriminate effects on both civilian and military populations. Neither could the 10-year delay set for the implementation of the revised Protocol II, which established no control and verification structure, be described as "progress".

3. It was clear that in the negotiations leading to the adoption of the revised Protocol II economic interests had prevailed over human and social considerations. It was to be hoped that public opinion would not wait so long to express its indignation. In fact, everybody had a duty to denounce the cowardly use of anti-personnel mines. All human rights activists should refuse to accept the revised Protocol II and demand that another conference should be convened as soon as possible to outlaw the manufacture, stockpiling, sale and use of anti-personnel mines.

4. Ms. SHAUMIAN (International Institute for Peace) said that one of the factors threatening international peace and security was terrorism, which was always politically motivated and often the work of minorities. Moreover, it sometimes happened that any violent or militant assertion by minorities was dubbed as terrorism, while some hypocritical politicians practised State terrorism on the pretext of fighting international terrorism or, by attributing terrorism exclusively to members of a specific faith or ethnic group, made it an excuse for racism. However, suppression from above, without dealing with the root causes, was unlikely to eliminate terrorism.

5. The widespread availability of small arms affected the quality of human rights far more than terrorism and was an important consequence of the international arms trade. Generally, terrorism was an occasional event, whereas the plentiful supply of small arms posed an everyday threat. The criminals who used the small arms had no big purpose, no big ideology, but they put powerful and invisible constraints on every member of society and thus inhibited day-to-day behaviour.

6. The task to be undertaken was therefore to prevent arms from falling into the hands of those who did not need them and who did not have any legitimate purpose for their use. All countries had rules governing the sale of arms, but in some countries the laws were too liberal and other countries did not enforce such laws as they had. Moreover, arms manufacturers had to sell their products somehow or other. Therefore, if there was to be any serious enjoyment of human rights, the manufacture of arms, especially small arms, must be reduced as much as possible. Consequently, some kind of international supervision and control of all arms manufacture, not only of military weapons, was becoming imperative in order to reduce the means and temptation of violent crime and thus achieve greater security of life for all.

7. Mrs. PALLEY said that there was sometimes a tendency to overlook the impact of "non-peace" situations on human rights. A "non-peace" or "proxy war" currently obtained in Jammu and Kashmir, where people died every day because the international community, including the Sub-Commission, had abdicated its duty to deal with those tragic circumstances. The relevant United Nations resolutions, now nearly 50 years old, remained unimplemented.

8. A similar "non-peace" applied in Cyprus, where for 24 years Turkey had been in belligerent occupation. International organs had characterized Turkish invasion and occupation as being merely a matter of inter-communal dispute, with the result that no one put diplomatic pressure on Turkey to make peace and give up the 36.4 per cent of Cyprus which it had taken over. Naturally, many Cypriots, both refugees and children of refugees, sometimes demonstrated for the right to return to their own homes, sealed off by lines of Turkish soldiers. When they demonstrated, the United Nations force in Cyprus controlled them and turned them back. That had happened the previous day, when Turkish soldiers had opened fire, killing one demonstrator and injuring many United Nations peace-keepers. It was odd that a country which very rightly protested against terrorism should have allowed a Turkish terrorist movement known as the "Grey Wolves" to engage in violence against peaceful demonstrators.

9. Cyprus could not start an intifada because it was dealing with Turkey, not with Israel, and Turkey had over 300 modern tanks, a huge arsenal of weapons, and 35,000 soldiers in Cyprus, with 250,000 more on the mainland only 40 miles away. Greek Cypriots, fearful for their security, were improving their defence in order to be able to withstand a Turkish onslaught for a sufficient time to give the United Nations an opportunity to consider intervening, if it was courageous enough to do so. The Greek Cypriots, however, were outgunned and outmanned by Europe's largest and best-disciplined army, well equipped by its NATO allies. The time had surely come for the United Nations resolutions, including resolutions of the Commission on

Human Rights and the Sub-Commission, requiring the departure of foreign troops and the return of refugees to their homes in safety, to be implemented.

10. Four years previously she had raised the question of the weapons used in the war against Iraq and had proposed a draft resolution requesting the Secretary-General to report on their nature and on how they were a threat to the right to life. The draft resolution had been postponed because, when amendments to it had been negotiated, the topic of nuclear weapons had arisen. Today, however, allegations had been made by an NGO indicating a need for the Secretary-General to undertake an inquiry into the weapons used by all parties in Iraq and the steps that should be taken to prevent further suffering from residual debris from the weapons used. She therefore hoped to resurrect, in consultation with her colleagues, her previous draft resolution, since the Sub-Commission should not shrink from looking into such a question. If the Sub-Commission decided to proceed, members should not regard their looking into such a matter as encroaching on the activities of other United Nations bodies such as the Security Council or the disarmament bodies. The subject-matter related to the use of methods of warfare which had had a devastating and perhaps ongoing effect on the right to life and on the integrity and safety of the human person. The allegations made were serious and needed to be seriously investigated.

11. Her proposal for a study on human rights and humanitarian intervention which the Sub-Commission had submitted to the Commission for approval on three occasions had not in fact been censored. What had happened was that a powerful State had not considered it appropriate that a member of the Sub-Commission should conduct a study which might reach conclusions regarding whether or not certain acts by major United Nations organs had been legal. There had been a published confirmation that the powerful State concerned had opposed the study because she had expressed reservations regarding the legality of certain Security Council activities. That powerful State had then persuaded other States, some of them also engaged in inhumane activities in the course of armed conflict which might also have been pronounced upon, not to approve the allocation of funds for the study. However, the Sub-Commission itself had been neither censored nor censured. It should be borne in mind that other United Nations bodies were already working on the same topic and that the necessary coordination could be undertaken by the international academic community. In any event, the Sub-Commission, as a subsidiary body of the Commission, had to follow its instructions.

12. Mr. EL-HAJJÉ said that the question of human rights and scientific and technological developments was a source of concern for the international community at its highest levels. Despite all the difficulties and complexities involved, the time had come for the Sub-Commission to make an in-depth study of the subject, which covered a broad field and affected human beings at all stages of their existence. The consequences of scientific and technological developments were often unknown.

13. He therefore suggested that the Sub-Commission should request one of its members to prepare a working paper aimed at identifying those elements that affected human rights. He himself volunteered to undertake that task, and if he was appointed he would have the cooperation of the international scientific community, relevant international organizations and many NGOs.

14. The CHAIRMAN requested Mr. El-Hajjé to circulate some concrete ideas to members of the Sub-Commission.

15. Mr. FLUSS (World Health Organization - WHO), speaking on agenda item 12, said that the vast and multidimensional field of bioethics had developed without full awareness of its interface with human rights. However, the World Conference on Human Rights had stressed that human rights and bioethics formed part of the same continuum, and the Director-General of WHO had stressed his organization's desire to be a full partner in that respect. Human rights and bioethics were the subject of a major focus in WHO's current Ninth General Programme of Work, and in the review of its health-for-all strategy emphasis was being placed on the ethical and human rights dimensions and principles. In seeking to define those principles, WHO would be working with many partners, particularly the Council for International Organizations of Medical Sciences.

16. Another important international initiative that fully recognized the nexus between human rights and bioethics was the Universal Declaration on the Protection of the Human Genome and Human Rights currently being drafted by the International Bioethics Committee of UNESCO, which expected to have a final text ready in 1998 to mark the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights. Within the framework of the Council of Europe, 38 Member States of the United Nations and Switzerland were currently drafting a Convention on Human Rights and Biomedicine, while the European Union had given substantial support for research by academic and other institutions and major contributions had been made by its Group of Advisors on the Ethical Implications of Biotechnology. WHO itself had been actively involved in several aspects of bioethics, including organ transplantation, while several of its regional offices had been active in bioethics and health-care ethics. The Pan American Health Organization had created an active regional programme on bioethics which sought to deal with the fundamental issues of equity and justice in access to health care. WHO's Regional Office for the Eastern Mediterranean had been endeavouring to compile a list of the growing number of international texts on bioethical matters, copies of which were available on request. In any case, WHO looked forward to working closely with the Centre for Human Rights, its own member States and other partners in keeping such an important topic under continuing scrutiny and review.

17. Mr. Chernichenko took the Chair.

18. Mr. GUISSÉ, speaking on agenda item 12, said that at the close of the twentieth century science and technology were at the service of only 20 per cent of the world's population, while the remaining 80 per cent derived no economic or social benefits from them. Yet, while the evils that science and technology purported to attack persisted, no country, whatever the technological advantages it enjoyed, could be immune to the crisis experienced in the rest of the world.

19. Much was made of technology transfers from North to South. In point of fact, what was actually increasingly being witnessed was a brain drain from the developing to the developed countries to the exclusive benefit of the latter. If the scientifically developed countries really had any desire to

cooperate, and were able to look into a near future, in which the sufferings of the underdeveloped countries would have spilled over into them, they would be readier to work to ensure that science helped the developing countries to emerge from their economic dependency.

20. An example was the area of health. Scientific, medical and pharmaceutical advances had almost no application in the developing world, while sickness, malnutrition, pollution and the dumping of toxic waste, serious violations of the right to health, were fuelled by the developed countries, which polluted and destroyed a natural environment which was the very basis for third world peoples' health. By encouraging a brain drain to the West and allowing poverty to worsen, the scientific community took a unilateral approach, with the result that the peoples of the third world could see no light at the end of the tunnel. He therefore appealed to the conscience of the developed world's scientific and industrial community. It must work to ensure that the world scientific order benefited developed and developing countries alike. Only then would science be considered a life-enhancing force by the entire population of the planet.

21. Mr. ALI (Afro-Asian People's Solidarity Organization), speaking on agenda item 13, said that enjoyment of fundamental freedoms could be guaranteed only in a secure environment. Three recent events - the attack on a United States facility in Saudi Arabia, the killing of civilians at the Olympic Games in Atlanta, and the suspected terrorist bombing of a TWA airliner - demonstrated how fragile international security had now become. If the United States of America, with its vast resources and armed might, could be so seriously affected, what hope was there for the peoples of poor and underdeveloped countries?

22. Their vulnerability was amply demonstrated by the violence that had racked India for a decade. The threats to international security now came, not from conventional arms or nation States' nuclear arsenals, but from terrorists and mercenaries fed on intolerant, fundamentalist, anti-progressive and anti-democratic ideologies. Strong nation States were the best guarantors of peace and security; and now that traditional nation States were under threat, expectations had been unleashed that were fuelled by the ready availability of weapons and extremist ideologies. "International Terrorism Inc." had now been established; terrorist groups had links, and their tracks tended to lead back to a common base.

23. Investigations into the recent spate of bombings and killings across the world suggested that the trail perhaps led back to Pakistan. It had provided refuge, finance or training to groups active in France, Egypt, the Philippines, the United States, India and Afghanistan. Now it was itself under attack from those very elements it had nurtured.

24. Prime responsibility for the deaths of innocent people at the hands of terrorists and mercenaries must lie with those who had supplied them with weapons. The international community must thus take urgent concerted action to stop the arms exporters from plying their deadly trade. It should also demand that States harbouring terrorist groups should be declared pariahs. A global effort to raise standards of living and provide people with meaningful employment would also deprive terrorists of much of their constituency.

25. Mr. SHINOJI (International Progress Organization), speaking on agenda item 13, said that the avowed aim of the terrorist groups was to destabilize the existing world order. The annual report of the United States State Department for 1995 on patterns of global terrorism stated that there was credible evidence of official Pakistan support to militants in Kashmir who had been responsible for bombings in India. It also listed the activities of the Harkat Ul Ansar mercenary group, identified it as based in and operating from Pakistan, and claimed it had links with Al Faran, the group responsible for beheading a Norwegian hostage and for the continued holding of four other Western tourists. Was it possible that a mercenary group whose reach extended beyond Indian Kashmir to Myanmar, Tajikistan and other countries could function so openly without the sanction of the Pakistan Government? French and Egyptian security services were reported to have identified Pakistan as the base or training ground for many of the terrorists operating in their respective countries. Ramzi Yousef, accused of the World Trade Center bombing, had also lived in Pakistan. The link between the drugs trade in Pakistan and the arming and financing of terrorists had been highlighted in the Pakistan press and extensively documented in the United States.

26. The international community must adopt a uniform standard, declare all terrorists, irrespective of their areas of operation, to be the enemy of human rights. It must not allow States such as Pakistan whose support for terrorists was extensively documented to escape condemnation. Otherwise, it might one day find that, even as it debated the threat of terrorism to human rights and democracy, the terrorists who were today killing people in Kashmir and India were at its doorstep.

27. Mr. LEBLANC (Conference of European Churches), speaking on agenda item 13, said that in countries where two or more communities that had formerly coexisted had been divided by political or other changes, reconciliation initiatives were imperative. His organization wished to express its deep concern at the violent incidents that had taken place in Cyprus the previous week, in which two protesters had been killed and other persons, including two United Nations peace-keepers, had been wounded. In a recent statement, his organization's Central Committee had declared that it considered unacceptable the present situation created by the continued occupation of 37 per cent of the island of Cyprus, as well as violations of human rights and basic freedoms. His organization now reiterated the hope expressed in that statement, which had been issued before the latest incidents, that the new initiatives towards reconciliation on the island would intensify and expedite the coordinated search for a negotiated political settlement which would restore the unity of the island, grant freedom of movement for all its inhabitants, ensure information about all missing people and facilitate the return of the displaced people to their homes. It also welcomed the stated intentions of the European Union to open negotiations, within six months of the conclusion of the Intergovernmental Conference, for Cyprus to become a member of the European Union, and hoped that such a move would bring benefit to all the inhabitants of the island.

28. Ms. KANEMITSU (International Movement against All Forms of Discrimination and Racism), speaking on agenda item 13, said that in 1951 Okinawa had been detached from the rest of Japan, to be administered for the next 27 years by the United States military as an occupied colonial territory. Now, 51 years

to the day after the end of the Second World War, the island was still occupied. Okinawa accounted for 0.6 per cent of Japan's total area, yet hosted 75 per cent of the United States bases and facilities in Japan - an illustration of the disproportionate burden its people bore under the terms of the 1951 Security Treaty. Furthermore, after sovereignty over Okinawa had been restored to Japan in 1972, the military presence had been bolstered by the Japanese Self-Defence Forces garrisoned on the island.

29. The lives and rights of the Okinawan people were thus threatened both by a United States and by a Japanese military presence. Under the United States administration many people had been the victims of crimes and accidents involving United States servicemen. Since 1972 there had been more than 4,800 crimes involving United States military and civilian personnel, including 12 murders. That amounted to one crime every two days. In most cases the victims had been children and women, and rape was a particularly common occurrence. Children's right to education was also threatened; for it had been calculated that two-and-a-half school days were lost annually through the constant disruption of classes by aircraft noise. Her organization thus called on the Sub-Commission to review the situation of human rights in Okinawa.

30. Mr. AL-DORY (Observer for Iraq), speaking on agenda item 13, said that while the issues of peace, security and human rights had been the principal concerns of the international community since 1945, no consensus had ever been reached as to the exact relationship between them. All human rights, but particularly the rights to life and to development, were influenced by the peace and security situation. Any violation of those rights in any part of the world therefore would threaten international peace and security. Human rights, peace and development were thus interrelated, and the fostering of one prompted the enhancement of another. The maintenance of international peace and security was vital for social and economic progress and the full realization of human rights, and vice versa. Interference in the internal affairs of any State threatened its stability and security, thus leading to flagrant violations of human rights. Finally, the advancement of development was related to the promotion of peace.

31. In its statement under item 13 at the Sub-Commission's forty-sixth session, his delegation had referred to certain issues which would lead to further deterioration or instability if allowed to continue unchecked. The first of those very important issues was the selectivity and double standards applied in drafting and adopting Security Council resolutions, which resulted in non-objective interpretations and coercive implementation in contravention of General Assembly resolutions such as resolution 50/174, which had confirmed that "the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of universality, non-selectivity, impartiality and objectivity and should not be used for political ends".

32. The United States of America and some of its allies had flagrantly interfered in the internal affairs of Iraq, inter alia, by direct military intervention in northern Iraq with no mandate from the Security Council. They had adopted a biased interpretation of Security Council resolution 688 (1991)

to achieve their purposes. The "no-fly zones" imposed by those States constituted a blatant violation of the sovereignty, integrity and unity of the Iraqi people, which had resulted in increased penetration into northern Iraq by the military forces of neighbouring States, under the pretext of filling the vacuum in a region that had succumbed to fighting among rival gangs supported by foreign forces and States. Those attempts to interfere in Iraq's internal affairs constituted a flagrant violation of the rights of the Iraqi people to self-determination and to choose their own political system. The continuing economic blockade was a blatant violation of their economic, social and cultural rights.

33. Ms. MARKIDES (Observer for Cyprus), speaking on agenda item 13, said that the Charter of the United Nations, Sub-Commission resolution 1989/47 and the report by Mr. Bhandare to the Sub-Commission (E/CN.4/Sub.2/1994/29) had all recognized the link between human rights and peace. Mr. Bhandare had said that the right to life was the most important of human rights and the one most dependent on a climate of peace and security. However, there had been no peace and security for the people of Cyprus in the last 22 years, since the Turkish invasion and occupation had made the northern part of Cyprus one of the most densely militarized areas in the world.

34. The situation in Cyprus was critical, as shown by the murder of 24-year-old Anastasios Isaac by Turkish extremists during a peaceful rally on 11 August 1996. The rally had been organized to draw attention to the continuing division of Cyprus and the systematic violations of basic human rights there, and all steps had been taken to ensure the demonstration went off peacefully. However, 3,000 members of the Turkish extremist terrorist group known as the "Grey Wolves" had gone to the demonstration prepared for a violent confrontation. In a bid to exacerbate the situation and derail a peaceful demonstration, the Turkish occupying regime had ordered the occupation troops to shoot at those who went ahead with the demonstration. Meanwhile, the Turkish forces had deployed commando units, tanks and armoured personnel carriers along the cease-fire line, which they had mined extensively. Furthermore, illegal settlers from Turkey had been mobilized for mass counter-demonstrations.

35. Following alarming additional information on Turkish intentions and preparations, including a possible advance by Turkish occupation troops into the buffer zone, the Government of Cyprus had heeded the appeal of the Secretary-General of the United Nations and asked the organizers to cancel the rally. They had agreed to do so, but some civilians had proceeded spontaneously to various points along the buffer zone and had protested peacefully against the violation by the Turkish occupying troops of their right to freedom of movement throughout Cyprus.

36. The reaction of the Turkish side in bringing thousands of so-called counter-demonstrators, the "Grey Wolves" to the cease-fire line had been brutal and violent and had resulted in Anastasios Isaac being savagely beaten to death with iron rods, spiked pieces of wood and stones while he was trapped in barbed wire; 41 other demonstrators had been injured, some seriously, by bullets, pellets and stones. The brutality with which Anastasios Isaac was beaten to death, the firing by Turkish troops on peaceful demonstrators in the buffer zone and the employment of terrorist groups from Turkey had once again

shown Turkey's contempt for all norms of civilized behaviour and international law. The participation of the "Grey Wolves" in violent clashes was tantamount to the export of terrorism by Turkey, with far-reaching repercussions for the region at large.

37. Unfortunately, the murder of Anastasios Isaac was not an isolated incident. On the previous day, a 24-year-old Greek Cypriot, Solomos Solomos, had been shot dead in the buffer zone by Turkish troops after Anastasios Isaac's funeral, when they opened fire on a peaceful demonstration protesting at his killing; 2 United Nations peace-keepers were among the 11 others injured. In June 1995, the Turks had shot and killed another young Greek Cypriot, an unarmed National Guard soldier, in the buffer zone.

38. Those criminal and abominable acts were further examples of the brutality of the Turkish occupation forces and constituted a violation of the human rights, particularly the right to life, and fundamental freedoms of the people of Cyprus. The international community must accord the issue the attention it merited.

39. Mr. Joon Hee LEE (Observer for the Republic of Korea), speaking on agenda item 13, said that current estimates placed the total number of land-mines already laid at over 110 million, with roughly 2 million new mines laid in 1994 alone, while only 100,000 had been removed during the same year. From a humanitarian perspective, anti-personnel mines in particular had devastating consequences, causing serious injuries and deaths, usually in countries where hostilities had ended years earlier. From an economic perspective, national economies suffered as a result of the danger and uncertainty caused by hidden land-mines, particularly long-life land-mines, as reconstruction and the repatriation of refugees were delayed, agricultural land was left untilled, and road and rail connections were rendered unusable.

40. The indiscriminate use of anti-personnel land-mines seriously affected many basic rights of people, as was made clear in Sub-Commission resolution 1995/24. In September 1995, his Government had announced a one-year moratorium on the export of anti-personnel land-mines which it was planning to extend. Taking into account the appeals of the relevant international organs, particularly the Sub-Commission, and despite the unique security situation on the Korean peninsula, his Government was giving serious consideration to acceding to the United Nations Conventional Weapons Convention, including Protocol II thereto.

41. Mr. Eide resumed the Chair.

42. Mr. ZAHRAN (Observer for Egypt), speaking on agenda item 13, said that the indiscriminate, inhumane and long-lasting effects of weapons of mass destruction constituted a gross violation of basic human rights, particularly the right to life. Although the international community had acted to ban chemical and biological weapons, the nuclear weapon States were still unwilling to give up nuclear weapons, by far the most devastating and destructive weapons of all.

43. Egypt had worked consistently for complete nuclear disarmament under strict international control; since 1974, it had proposed an annual resolution

on the establishment of a nuclear-weapon-free zone in the Middle East at the United Nations General Assembly. In 1990, President Mubarak had proposed the establishment of a zone free from all weapons of mass destruction in the Middle East. In 1996, Cairo had hosted the signing ceremony of the African Nuclear-Weapon-Free Zone Treaty. In addition, on 8 August 1996, Egypt had tabled the Programme of Action on the Elimination of Nuclear Weapons at the Conference on Disarmament.

44. However, the continuing reluctance of the nuclear-weapon States to commit themselves to a timetable for complete nuclear disarmament would seem to indicate that nuclear weapons were still seen as having a role to play and that they would thus continue to threaten international peace and security and the right to life for many years to come. Recalling the advisory opinion of the International Court of Justice requested by the General Assembly, issued on 8 July 1996, which unanimously recognized that there existed "an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control"; he said that those negotiations should take place immediately. The negotiating committee whose establishment was called for in the Conference on Disarmament should take into account the Programme of Action presented by Egypt. His delegation hoped that the Sub-Commission would support that request in a draft resolution.

45. The CHAIRMAN, recalling that at the previous meeting, Mr. Yokota had drawn the Sub-Commission's attention to a conversation he had had with a person who had raised doubts about his independence, said that, after an exchange of views in his presence, the person concerned had expressed his full confidence in Mr. Yokota's independence, and the matter was considered closed.

46. Mrs. JANJUA (Observer for Pakistan), making a statement equivalent to a right to reply, said that Indian-sponsored NGOs were very quick to see the mote in the eye of others while being unable to see the beam in their own. The allegations of terrorism made against Pakistan were ridiculous; the country for which those NGOs spoke was the largest purveyor of State terrorism in the world, deploying 700,000 terrorists in Kashmir alone to bludgeon into silence people fighting for a just cause.

47. Pakistan was tired of the false and self-serving allegations against it aimed at diverting the world's attention from the real issue, namely, India's horrendous war crimes and crimes against humanity in Jammu and Kashmir over the last five years. India had unleashed terrorism, not only in Jammu and Kashmir but in all its neighbouring States. Indian terrorists had killed hundreds of people in Pakistan and India was guilty of extending its reign of terror from Srinagar to Karachi, to try to make people forget about Kashmir. An Indian establishment strategist had gloated about Indian terrorism in Karachi in an article published in The Economic Times on 1 November 1995.

48. Discrimination and terrorism were embedded in the Indian psyche. India was the only State where a centuries-old and sickening caste system was practiced and acquiesced in by the authorities. However, the Indian NGOs had

been right to say that Pakistan had been the victim of terrorism; but, not surprisingly, they had failed to say that that terrorism had been sponsored from abroad.

REVIEW OF THE WORK OF THE SUB-COMMISSION (agenda item 3) (continued)

49. Mr. THOMSON (International Service for Human Rights) recalled the serious financial crisis of 1986, when the session of the Sub-Commission had been cancelled in an austerity drive. It had been the NGOs who had saved the day then, launching a fund-raising campaign which had made it possible eventually to hold a successful seminar, with a high level of participation and with its conclusions being circulated as an official document of the General Assembly (A/41/926). It was worth recalling the conclusions reached in 1986, recommending the strengthening of the human rights programme of the United Nations, deploring the increased politicization of debates, and underlining the role of the Sub-Commission and the essential contribution of the NGOs.

50. The work of reform begun by the Sub-Commission was worth pursuing, but efforts should not be concentrated only on agenda item 6. The guidelines and criteria for studies and standard-setting work should be reinforced; the reports prepared by experts should be discussed and improved after more careful examination; among the criteria, priority should be given to economic, social and cultural rights, especially with a view to setting up monitoring mechanisms. However, the reform should not be carried out at the expense of the NGOs, who were often the major partners of the Sub-Commission.

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED (agenda item 4) (E/CN.4/Sub.2/1996/3, 4, 6 and 7; E/CN.4/1996/44)

51. Mrs. WARZAZI, introducing her final report as Special Rapporteur on traditional practices affecting the health of women and children (E/CN.4/Sub.2/1996/6), said that the report consisted of an analysis of the replies received from Governments, United Nations specialized agencies and organs and NGOs to the Secretary-General's note verbale of 28 April 1995 requesting information on progress achieved and obstacles encountered in implementing the Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1), general considerations and a progress report based on that analysis and recommendations for national and international action.

52. She had mentioned in paragraph 22 an article on female genital mutilation published by Professor Hope Lewis of the United States in the Harvard Human Rights Journal. Having initially welcomed the article, she had been immensely disappointed to discover that many feminists in the United States had adopted a condescending approach to the issue, openly criticizing Africa and African women and traditions. Some of the literature on the subject sounded an imperialist note or tended to reject or overlook the views of African women. African-American feminists, on the other hand, were more capable of empathizing with their African counterparts. But while recognizing the importance of preserving cultural traditions, they were frustrated by the

persistence of a practice that jeopardized the physical and mental health of millions of their sisters. It followed from the author's analysis that the issue of female genital mutilation had been used to score points in the rivalry between American and African-American feminists, perhaps with a view to generating conflict between third world women and Black feminists in the West. But female genital mutilation had nothing to do with racism. If the American feminist argument that it was a form of oppression practised by certain societies and Governments had gained a foothold in the United Nations, the progress recorded to date would probably have been impossible. Governments had undoubtedly been wanting in enthusiasm in their action to outlaw the practice, probably out of laxity and a wish to placate conservative forces, but they were not deliberately oppressing women. The author of the article had drawn on numerous sources but had failed to consult the Centre for Human Rights. Had she done so, she might have avoided certain pitfalls and unjustified and obsolete conclusions. The moral was that action by the United Nations, NGOs, Governments and civil society should be given far greater publicity so that the problem of harmful traditional practices was viewed and analysed in its proper context.

53. Since writing the report, she had received a number of encouraging reports. In July 1996, the Egyptian Government had promulgated a decree banning excision in all public hospitals and dispensaries and prohibiting the involvement of Ministry of Health employees, doctors and nurses in a practice that was "neither Muslim nor Egyptian".

54. Referring to paragraph 101 of the report concerning the upholding by the United Nations High Commissioner for Refugees (UNHCR) of the legitimacy of requests for asylum on the grounds of female genital mutilation, she said that the first person to use that plea successfully was a young Togolese woman who had been granted refugee status in the United States. In May 1996, the United States Senate had declared female genital mutilation a Federal offence. In 1993, Canada had ruled that the threat of genital mutilation was sufficient grounds for granting asylum. In France, an administrative court had overruled a decision to repatriate a Guinean women whose two daughters were threatened with excision.

55. Any attempt to revitalize the Plan of Action must take into account a number of important points. Firstly, harmful traditional practices were perpetuated by poverty and ignorance. Secondly, women faced with problems such as ensuring the survival of their family accorded low priority to the issue of female genital mutilation: hence the need to campaign against such practices in the broader context of health and to target women in disadvantaged categories who were themselves victims. Thirdly, given the tenacity with which people clung to their cultural values, it was essential to show sensitivity to their beliefs in the programmes and policies pursued. It had even been suggested that alternative initiation rites might supplant harmful practices to ensure continuity of cultural traditions. Fourthly, men had a valuable role to play, particularly male religious leaders in traditional societies. She drew attention to a report submitted to the forty-seventh session of the World Health Assembly, in which the author had suggested discarding the term sunna (normative legal custom) when referring to female genital mutilation since it perpetuated the misconception that the practice had its origin in Islam.

56. It was extremely regrettable that so few Governments had replied to the Secretary-General's note verbale. There was insufficient awareness that the maintenance of harmful traditional practices constituted a breach of international human rights obligations.

57. It was important to mobilize all sectors of the population, especially in the implementation of local or pilot projects. Women's education and health were also key factors. To control the factors influencing their health, women must be involved in analysing, planning and implementing programmes that affected their well-being.

58. In response to Sub-Commission resolution 1995/20, she had submitted a number of recommendations designed to enhance the implementation of the Plan of Action.

59. Mrs. RAS-WORK (Inter-African Committee on Traditional Practices Affecting the Health of Women and Children), speaking also on behalf of the International Movement for Fraternal Union among Races and Peoples, the International Council on Social Welfare, the International Abolitionist Federation, the African Association of Education for Development and Zonta International, welcomed the final report of the Special Rapporteur (E/CN.4/Sub.2/1996/6). Harmful traditional practices were both a health and human rights issue and the link between such practices and violence against women had been clearly demonstrated by the Special Rapporteur on violence against women (E/CN.4/1995/42).

60. The efforts of African women to publicize the problem had led to the establishment in 1977 of the Working Group on Traditional Practices, an NGO that had relied on grassroots mobilization to engage civil society in a process of dialogue and to encourage local initiatives. The idea was to secure support for such initiatives from all partners, both private and public, and from the international community. Her own organization was currently active in 26 African and 3 European countries.

61. While NGOs played an important part in changing attitudes by harnessing local energy, they were poorly financed and had to contend with sensationalism and criticism of their purported lack of sensitivity to cultural identity. Governments had an essential role to play in devising a multisectoral and holistic approach involving education and training, primary health care and micro-enterprise to ensure sustainability.

62. Traditional practices prejudicial to women's health had been recognized as grounds for granting political asylum. Government action to eradicate such practices would make it unnecessary for their nationals to flee the country.

63. It was disheartening that only 26 States out of 184 had responded to the request for information on the implementation of the Plan of Action and that the Economic and Social Commission for Asia and the Pacific (ESCAP) had no information to offer despite the holding of a seminar on the subject in Sri Lanka in 1994. On the other hand, harmful traditional practices were no longer a taboo subject and, as noted in the Special Rapporteur's report, three African countries, Guinea, Niger and the Sudan, were taking serious action against them.

64. She urged the Sub-Commission to extend the Special Rapporteur's mandate so that she could establish why so few Governments had taken their commitments under the Plan of Action seriously. In the light of her findings, an action-oriented implementation strategy could be devised to reverse the situation.

65. She also proposed that a professional should be assigned the task of following up action on the conclusions of the Burkina Faso and Sri Lanka seminars and the Plan of Action in collaboration with relevant United Nations specialized agencies and NGOs.

66. Mr. YIMER said that in his view the Special Rapporteur's pioneering work on harmful traditional practices was one of the most important studies undertaken in the Sub-Commission. It was regrettable that very few of the countries directly concerned had responded but, as noted in paragraph 23, the global indifference that had prevailed when the Sub-Commission had first taken up the subject had since been overcome and the implicit dangers to the physical and mental health of women and children were well understood (para. 154). Moreover, no effort was being spared to put a stop to existing harmful practices (para. 155).

67. The Sub-Commission must pay close attention to the Special Rapporteur's recommendations, in particular those set out in paragraph 177 (a), (d), (e), (k), (l), (p), (s), (y) and (z).

68. The conclusion that harmful traditional practices tended to be associated with ignorance, poverty and women's lowly status could not be overemphasized.

69. He was in favour of extending the Special Rapporteur's mandate so that she could monitor implementation of the Plan of Action and report to the Sub-Commission perhaps every second year.

70. Mr. JOINET, congratulating the Special Rapporteur on her final report, said that it was refreshing to listen to such a frank and open discussion of a subject that had still been taboo 12 years ago.

The meeting rose at 6 p.m.